

REMARKS

In view of the foregoing amendments and the following remarks, Applicants respectfully request reexamination of the present application. No claims have been amended, no claims have been cancelled and no new claims have been added. Claims 116, 118-121 and 123-132 are pending in this application.

Applicants note with appreciation the Examiner's removal of the prior rejections of Claims 116, 118-121 and 124.

Double-Patenting Rejections

The Examiner has rejected Claims 125-129, 131 and 132 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 28-30, 70 and 74 of U.S. Patent No. 6,180,029 by Hampden-Smith et al. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because these claims teach a powder batch comprising substantially spherical $Y_2O_3:Eu$ phosphor particles whose weight average particle size, particle distribution and crystallite size ranges overlap the ranges claimed in this application and the process claims show that the resulting particles have a particle density that overlap the range claimed in this application.

The Examiner has also rejected Claims 125-129 and 131 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 19 and 23 of U.S. Patent No. 6,197,218 by Hampden-Smith et al. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because these claims teach a powder batch comprising substantially spherical $Y_2O_3:Eu$ phosphor particles whose weight average particle size, particle distribution and crystallite size ranges overlap the ranges claimed in this application.

The Examiner has also rejected Claims 125-129 and 131 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 49, 50 and 53 of U.S. Patent No. 6,875,372 by Hampden-Smith et al. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because these claims teach a powder batch comprising substantially spherical

Y₂O₃:Eu phosphor particles whose weight average particle size, particle distribution crystallite size ranges overlap the ranges claimed in this application.

The Examiner has also provisionally rejected Claims 125-129 and 131 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 62, 63, 66, 76-80 and 88 of copending Application No. 10/730,756 by Hampden-Smith et al. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because these claims teach a powder batch comprising substantially spherical Y₂O₃:Eu phosphor particles whose weight average particle size, particle distribution and crystallite size ranges overlap the ranges claimed in this application.


Applicants hereby submit the attached Terminal Disclaimers over U.S. Patent No. 6,180,029; 6,197,218; 6,875,372 and co-pending Application No. 10/730,756. Applicants request entry of these Terminal Disclaimers and removal of the provisional obviousness-type double patenting rejections .

It is not believed that any additional fees are owed with respect to this response, however any such fees can be charged to Deposit Account No. 50-1419.

Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecute and or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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